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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,653	12/30/1999	RONALD M. SMITH	42390.P6384	6654

7590 04/15/2002

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EXAMINER

ALAUBAIDI, HAYTHIM J

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 04/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

per

## Office Action Summary

Application No.

09/475,653

Applicant(s)

SMITH ET AL.

Examiner

Haythim J. Alaubaidi

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 December 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-26 are presented for examination.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Hudson Homes et al. (U.S. Patent No. 6,178,331 and Holmes hereinafter).

4. Regarding Claims 1, 8, 15 and 20, Holmes teaches a profile database (Col 20, Line 35, I.e. the user database; see also Col 15, Lines 62-67) new information (Col 4, Lines 62-64, i.e. When a message is sent from an outside e-mail source to a mobile phone) <sup>1</sup> identifying a user profile from the user profile database in response to the new information (Col 2, Lines 15-21, i.e. maintains the address of the sender and matches it with the reply; see also Col

15, Lines 62-67<sup>2</sup>) identifying a delivery mechanism in response to the user profile (Col 1, Lines 66-67 through Col 2, Lines 1-6) delivering a notice in response to the user profile (Col 2, lines 3-4, i.e. Electronic messages may be transmitted over a wireless connection to, or to and from, a mobile phone; see also Col 2, Lines 19-21, i.e. the user of the mobile phone may cause an electronic message received from a sender to be remotely routed to...).

5. Regarding Claims 2, 16 and 21, Holmes teaches receiving the user profile including a registration request and a criterion of customization from the user (Col 4, Lines 41-44; see also Col 12, Lines 36-41; see also Col 12, Lines 60-61, i.e. preferences and options; see also Col 20, Line 42, i.e. means of the user's mail profile; see also Col 14, Lines 44-45, i.e. identify clients with special privileges or rights; see also Col 20, Lines 63-67<sup>3</sup>) Storing the user profile in the user profile database (Col 16, Lines 6-18, i.e. table 22; see also previously indicated Footnote No. 2).

6. Regarding Claims 3, 9-10, 17 and 22, Holmes teaches new information from a communication network (Figure No. 1; see also Col 1, Lines 66-67 through Col 2, Lines 1-4, i.e. electronic messages; see also Col 2, Lines 7-10).

7. Regarding Claims 4, 18 and 23, Holmes teaches "SMS" (Col 2, Lines 1-3, i.e. or any other suitable protocols; see also Col 11, Lines 17-22).

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<sup>1</sup> Please note that the examiner understands the limitation "new information" as for example "new e-mail" or "new message", this is according to the example in the instant application, page 9, Line 2.

<sup>2</sup> Please note that the examiner is interpreting this validation of who is and who is not authorized to send as the system must have a profile database to compare and validate it against.

8. Regarding Claims 5, 19 and 24, Holmes teaches "SMTP" (Figure 2-3, Element No. 204A; see also Col 14, Lines 19-21).
9. Regarding Claims 6 and 25, Holmes teaches secure manner (Col 15, Lines 62-67<sup>4</sup>).
10. Regarding Claims 7, 13-14 and 26, Holmes teaches customized notice (Col 2, Lines 18-21, i.e. or any other suitable destination).
11. Regarding Claim 11, Holmes teaches user name (Col 4, Lines 42-43, i.e. user name).
12. Regarding claim 12, the limitations of this claim are similar in scope to the rejected claims 6 and 7, above. It is therefore rejected as set forth above.

***Other Prior Art Made of Record***

13. A. Bulfer et al. (US Patent No. 6,175,858) discloses intelligent network messaging agent and method; and

B. Gossman et al. (US Patent No. 6,317,594) discloses a system and method for providing data to a wireless device upon detection of activity of the device on a wireless network.

***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

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<sup>3</sup> Please note that the examiner is interpreting these " occurrences of appointment, task and event" as options for the user to select from them.

<sup>4</sup> Please note that the examiner is interpreting the meaning of "secure manner" to be similar to the meaning of "authorized to send" as the system will not allow non authorized users to send messages, in other words it is secure.

*Points of Contact*

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (703) 305-1950. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

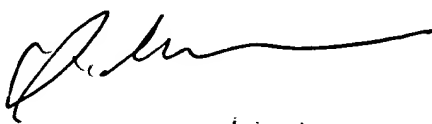
Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or telefax at our phone number (703) 746-7416.

For formal or draft communications, please label "PROPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

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Haythim J. Alaubaidi  
Patent Examiner  
Technology Center 2100  
April 5, 2002

  
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